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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/071,664	05/01/1998	SHMUEL SHAFFER	98P7512US	5737

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EXAMINER	
BUI, BING Q	

ART UNIT	PAPER NUMBER
2642	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/071,664	Applicant(s) Shaffer et al
	Examiner Bing Bui	Art Unit 2642

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Apr 10, 2002* .

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-16, 18, and 19* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-16, 18, and 19* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. Claims 1-16 and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Smiley et al (US Pat No 5,982,863), of record.

Regarding claim 1, with respect to Figure 1, Smiley et al teach a method for providing an automated call connection system comprising the steps of:

a patient 14 (first user) contacting a Doctor Care Unit (DCU) server 18 (call server) (col 3, ln 54-55);

the patient 14 (first user) requesting the DCU server 18 to deliver a call back request to a doctor (second user) by pressing number "1" on his telephone (col 4, ln 36-38);

the DCU server 18 notifies the doctor (second user) that he has call back request (sending the call back request to the doctor (second user)) (col 6, ln 20-23);

the DCU server 18 prompting the doctor (second user) whether to call the patient 14 (first user) back (col 6, ln 24-36);

the doctor (second user) optionally signaling acceptance of the call back request to the DCU server 18 by pressing number "1" on his telephone (col 6, ln 43-44); and

if the doctor (second user) clicks on button 312 (signals) to accept the call back request, the DCU server 18 automatically dials the patient 14 for attempting to connect

the patient 14 (first user) and the doctor (second user) (Fig 6, element 312; col 6, ln 43-44 and col 7, ln 18-21).

Regarding claim 2, Smiley et al teach a method of providing an automated call connection system as defined in claim 1, further comprising the step of: the DCU server 18 using a separate packet based network to determine if the second user is ready to accept the call back request (fig. 2 and col 2, ln 37-ln 63).

Regarding claim 3, Smiley et al teach a method of providing an automated call connection system as defined in claim 1, further comprising the step of: the DCU server 18 bypassing call toll charges by using a packet based network for the sending of call back requests (fig. 2 and col 2, ln 37-ln 63).

Regarding claim 4, Smiley et al teach a method of providing an automated call connection system as defined in claim 1, in which the DCU server 18 initiates a call from a device of the doctor (second user) (Col 4, ln 37-39 and col 7, ln 18-21).

Regarding claim 5, Smiley et al teach a method of providing an automated call connection system as defined in claim 1, wherein the patient 14 (first user) may request for call back via at least one of an E-mail message using computer 14c, a facsimile using fax machine 14b (Fig 1 and col 1, ln 12-26).

Regarding claim 6, Smiley et al teach a method of providing an automated call connection system as defined in claim 1, wherein the prompt is provided to the doctor (second user) on a telephone display (Fig 6 and col 6, ln 20-ln 31).

Regarding claim 7, Smiley et al teach a method of providing an automated call connection system as defined in claim 1, wherein the patient 14 (first user) uses a voice mail system to request the call back (col 7, ln 27-ln 43).

Regarding claim 8, Smiley et al teach a method of providing an automated call connection system as defined in claim 1, further comprising the step of:

maintaining a connection between the first user and the second user for a predetermined period of time (col 4, ln 66 col 5, ln 7);

wherein the predetermined period of time is specified by the first user (col 4, ln 66 col 5, ln 7).

Regarding claim 9, Smiley et al teach a method of providing an automated call connection system as defined in claim 1, wherein the first user is provided with the option of placing a message in a voice mail system (col 7, ln 27-ln 43).

Regarding claim 10, Smiley et al teach a method of providing an automated call connection system as defined in claim 1, wherein a personal digital assistant is used by the patient 14 (first user) to request the call back (col 2, ln 64-ln 11).

Regarding claim 11, Smiley et al teach a system for providing an automated call connection comprising:

a first user input for initiating and sending a call back request (fig. 5 and col 6, ln 11-ln 49);

a second user output for receiving the call back request (fig. 5 and col 6, ln 11-ln 49);

a server for transferring the call back request from the first user output device to the second user output device and for prompting the second user whether to call back the first user, and, if the second user signals to the network connection to return the call, for automatically attempting to connect the first user and the second user (fig. 5 and col 6, ln 11-ln 49).

Regarding claim 12, Smiley et al teach a system for providing an automated call connection as defined in claim 11, wherein the server connects to a separate packet based network, the separate packet based network determining if the second user is ready to accept the call back request (fig. 2 and col 2, ln 37-ln 63).

Regarding claim 13, Smiley et al teach a system for providing an automated call connection as defined in claim 12, wherein call toll charges are bypassed through use of the packet based network (fig. 2 and col 2, ln 37-ln 63).

Regarding claim 14, Smiley et al teach a system for providing an automated call connection as defined in claim 11, wherein the first user input is at least one of a personal data assistant, a computer, a telephone and a facsimile machine (fig. 2 and col 2, ln 37-ln 63).

Regarding claim 15, Smiley et al teach a system for providing an automated call connection as defined in claim 11, wherein the second user output is at least one of a

personal data assistant, a computer, a telephone and a facsimile machine (fig. 2 and col 2, ln 37-ln 63).

Regarding claim 16, Smiley et al teach a system for providing an automated call connection as defined in claim 11, wherein the first user call back request is sent via at least one of an E-mail message, a page and a facsimile (Fig 1 and col 1, ln 12-ln 26).

Regarding claim 18, Smiley et al teach a system for providing an automated call connection as defined in claim 11, wherein the first user uses a voice mail system to request the call back (col 7, ln 27-ln 43).

Regarding claim 19, Smiley et al teach a system for providing an automated call connection as defined in claim 11, wherein the network connection is maintained for a predetermined period of time, and the predetermined period of time is specified by the first user (col 4, ln 66 col 5, ln 7).

Response to Arguments

2. Applicant's arguments filed 01/23/02 have been fully considered but they are not persuasive.

As to claims 1 and 11, Examiner agrees with Applicant that the call-back in Smiley is not implemented immediately right after Doctor Care Unit (DCU) receiving a call-back request from a patient, but is by appointment. However, no indication in the recited claim that requires the call-back request have to be implemented in real-time at

the time the call-back request from a first user received at a call server. The only real-time implementation that Examiner has found in the recited claims is the interaction between the call server and a second user that determines whether or not a connection between the first user and second user should be automatically and immediately attempted. Smiley reads on the claimed real-time implementation cited above by disclosing a DCU server that notifies a corresponding Doctor that he has a call-back request from a patient and prompts the Doctor whether to call the patient back; and if the Doctor wishes to call back the patient in response to the prompt, the Doctor just merely presses "1" then subsequently presses "CALL PATIENT" button, and in response to the press acts on the "CALL PATIENT" button, a callback is automatically real-time initiated (Fig 6, element 312; col 6, ln 20-44 and col 7, ln 18-21).

For above reasons, Examiner respectfully sustains Smiley for supporting Examiner Action.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Freedman (US Pat No. 5,859,902) discloses a method for processing collect calls.

Hird et al (US Pat No. 5,483,581) disclose a system and method for performing an automated collect call.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314 and for formal communications intended for entry (please label the response "EXPEDITED PROCEDURE") or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

BING BUI
May 29, 2002

Ahmad Matar

AHMAD MATAR
SUPERVISORY PATENT EXAMINER
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